

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

OLIVIA Y., et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251

HALEY BARBOUR, as Governor of the State of Mississippi, et al.

DEFENDANTS

**AGREED ORDER**

WHEREAS the parties are proceeding in good faith with mediation pursuant to the parties' Stipulated Settlement Agreement approved by this Court May 17, 2007, but require more time under section 4.E to agree on an entity to monitor compliance with the detailed remedial plan being developed. The Court, finding that the relief requested is well-taken, HEREBY ORDERS AND ADJUDGES that:

The parties shall be allowed until September 14, 2007, to agree on an entity to monitor compliance with the detailed plan described in section 4.E of the Settlement Agreement. If after mediation the parties cannot agree on a monitor, Option #1 of the Agreement shall become void and will not be binding on either party. In such instance, all issues of remedy regarding Plaintiffs' constitutional substantive due process rights shall be submitted to the Court for judicial determination as set forth in Option #2 of the Settlement Agreement.

SO ORDERED this the 6<sup>th</sup> day of July, 2007.

/s/Tom S. Lee  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

AGREED TO BY:

/s Melody McAnally

W. Wayne Drinkwater (MBN 6193)

Melody McAnally (MBN 101236)

BRADLEY ARANT ROSE & WHITE LLP

188 East Capitol Street, Suite 450

Jackson, Mississippi 39201

Telephone: (601) 948-8000

Facsimile: (601) 948-3000

*Plaintiffs' counsel*

/s Rusty Fortenberry

Rusty Fortenberry, Esquire (MBN 5435)

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC

4268 I-55 North

Meadowbrook Office Park

Jackson, Mississippi 39211

Telephone: (601) 351-2400

*Defendants' counsel*